REMARKS/ARGUMENTS

In the October 6, 2004 Office Action, the Examiner rejected all claims of the above referenced application.

Claims 14 and 15 were objected to under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 14 and 15 are amended in the present Amendment. It is respectfully submitted that these amendments place claims 14 and 15 in proper dependent form because the limitations are now drawn to the device as opposed to a process.

Claims 1-18 were rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Again, as to this rejection, please note the amendment to claim 1 in which the word "adapted" is deleted. Additionally, claim 16 has been amended to contain proper antecedent basis, as suggested by the Examiner. We respectfully submit that these amendments are sufficient to overcome the rejection as to 35 U.S.C. 112.

Claims 1, 4, 10, 12, and 16-18 were rejected under 35 U.S.C. 102(e) as being anticipated by Edman et al. (U.S. Patent 6,706,473 B1). It is respectfully submitted that this rejection should be withdrawn because every element in the rejected claims is not present in the cited reference. The invention in Edman uses a permeation layer on the face that is in contact with the solution. In contrast, the invention of the present application uses a metallic layer on the surface that receives the solution. Therefore, the '473 patent cannot anticipate claims 1, 4, 10, 12, and 16-18.

Claims 5-9 and 11 were rejected under 35 U.S.C. 103(a) as being obvious over the '473 patent in view of Mowles (U.S. Patent No. 6,541,695). It is respectfully requested that this rejection be withdrawn since the '695 patent does not use a solution, nor subject a solution to an electrophoretic force. Additionally, the invention of the '695 patent does not use an N-type

silicon substrate, but uses a metal substrate, such as iron alloys, stainless steel, copper alloys, or molybdenum alloys. The gold, platinum, palladium, or titanium recited in claim 30 of the '695 patent is not in contact with the substrate as in the invention of the present application, but has an insulating layer and a back conductor in between the metal layer and the substrate. Finally, the transparent layer in the '695 invention is between the photovoltaic layer and the grid conductor/antireflection coating layer, while the tin oxide of the invention in the present application is between the solution and the transparent plate. For these reasons, we feel that there is no suggestion to combine the inventions of the '473 and '695 patents to arrive at the invention claimed in claims 5-9 and 11.

Claims 2 and 3 were rejected under 35 U.S.C. 103(a) as being obvious over the '473 patent in view of Sosnowski et al. (U.S. Patent 6,518,022) and Attridge et al. (U.S. Patent No. 5,830, 766). We respectfully request that the rejection to claims 2 and 3 be withdrawn for the following rationale. Claim 3 of the present application recites the use of SiO_2 as a dielectric material to define and isolate the microlocations in which the solution is deposited. The '022 patent teaches a metallic layer on the surface that receives the solution, and the use of SiO_2 to separate metal sites from each other. However, the metal of the '022 invention is not in contact with the silicon base, which in any event is not a semiconductor substrate as required by the present invention. Thus, there is no common basis to combine the '473 patent to the '022 and '766 patents to arrive at the invention recited in claims 2 and 3. Even assuming that the '766 patent teaches that SiO_2 can be used as a dielectric material, it is respectfully submitted that the combination of the inventions of the '473, '022, and '766 patents would not result in the invention claimed in claims 2 and 3 of the present application.

Finally, claims 13-15 were rejected under 35 U.S.C. 103(a) as being obvious over the '473 patent in view of Bogdanov (U.S. Patent 6,245,507). As to this rejection, we respectfully

submit the following. The invention of the '473 patent uses an optical fiber, without a lens, between the microlocation and the light source, while the invention of the present application uses a lens to focus the light onto the microlocation. The '507 patent teaches the use of a lens, but for the purpose of exciting bonds in nucleic acid molecules. Even combining the two references to substitute a lens for the optical fiber, the invention still would not have a metal layer between the solution and the silicon chip, as is the case in the invention of the present application. Additionally, since the '507 patent does not deal with an invention that focuses an electrophoretic force on a solution and does not contain a semiconductor, we feel that there is no reason to combine the '507 and the '473 patents. It is respectfully requested that the rejection of claims 13-15 under 35 U.S.C. 103(a) as being obvious over the '473 patent in view of the '507 patent be withdrawn.

Accordingly, we respectfully request the withdrawal of the objections and rejections contained in the October 6, 2004 Office Action.

It is believed that $55.00 is required at this time for a one month extension. Accordingly, a check in this amount is enclosed. Applicant does not believe that any additional fees are due at this

time, however, if any additional fees or charges are required, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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Dated: February 7, 2005